

BAD FOR GILLETTE

Physician Who Performed the Autopsy on Grace Brown

Testifies as to Evidence of Murder He Found.

DEATH FROM A BLOW.

Is the Conclusion He Reached After an Examination.

Indications That Girl Was Killed With Tennis Racket.

Herkimer, N. Y., Nov. 25.—Dr. O. A. Douglas went on the witness stand in the Gillette trial here today and testified that Grace Brown was killed by injuries inflicted before her body fell into the Big Moose lake, where it was found. Chester Gillette is on trial charged with having caused the woman's death. An unusually large crowd was in attendance at the trial today.

Dr. Douglas was one of the physicians who made the autopsy on Grace Brown's body. He also testified that the tennis racket which Gillette buried and which the sheriff found was capable of producing the abrasions and other injuries found on the body.

"The condition of the girl's lungs did not indicate drowning," said Dr. Douglas. This latter statement was stricken out.

The lips were swollen and the tip of the nose was enlarged and discolored. The left center upper tooth was overlapping the right center upper tooth. The left cheekbone was swollen. There were abrasions of the membrane of the nose. These injuries were inflicted before death, the witness said. The vessel of the head had been separated as if by blows.

An objection to the word "blows" was sustained.

Dr. Douglas then described the head as he found it. There was a blood clot on the brain, but no fracture of the skull.

"In your opinion, what was the cause of death?"

"I should say that death resulted from shock or from concussion resulting from blows or injuries to the head before immersion, or if immersion did occur while the victim was still alive, the chances of restoration were so few that immersion was unnecessary to produce death."

In his cross-examination Dr. Douglas, Mr. Mills, senior, counsel for Gillette, questioned the witness about any indications the body of Grace Brown might have shown of being in the water.

"You say there was much emphysema in them?" asked Mr. Mills.

"Yes."

"Isn't that an indication of drowning, usually?"

"The witness also testified that the swelling of the lips, the enlargement of the tip of the nose and the light red coloring of the lungs were symptoms of drowning."

Mr. Mills then took up the question of the conditions of the lungs as shown at the autopsy.

"Did they all the chest cavity?"

"Yes."

"Isn't that an indication of drowning, usually?"

"It is ordinarily known as a symptom of drowning, isn't it?"

"Sometimes."

Mr. Mills then asked Dr. Douglas if he would not say that a body had been drowned unduly if it was enlarged lips, dilated pupils of the eyes, swollen and mottled nose tip and reddened lungs.

"If the body had been taken from the water it would be apt to," said Dr. Douglas.

NEAR TWO INCHES OF RAINFALL.

The Fall Continued Nearly All Day Sunday.

A heavy rainfall, the first in some time, visited Topeka Sunday and fell in light showers throughout the whole day, aggregating a total rainfall of 1.8 inches.

Today is a very pleasant day after the rain. All the clouds have gone and the sky is quite clear. The sun has been shining all day and has given enough warmth to make it very comfortable. The wind today is blowing at the rate of fourteen miles an hour from the west.

The following temperatures were recorded for today by the local weather station:

7 o'clock	.....35	11 o'clock	.....40
8 o'clock	.....35	12 o'clock	.....42
9 o'clock	.....37	1 o'clock	.....44
10 o'clock	.....38	2 o'clock	.....45

SWITCHMEN ARE HERE.

Discussing Their Grievance With General Manager Hurley.

The grievance committee of the switchmen's union along the lines of the Santa Fe railroad under the jurisdiction of J. E. Hurley, general manager, met today for the final adjustments of the wage controversy which has occupied the attention of the railroads all over the country the past two or three months.

Not many matters present themselves for adjudication at the meeting today. All the general matters of the switchmen on all railroads and after a lengthy conference and several meetings, the matter was finally decided by the granting on the part of the railroad and the acceptance on the part of the switchmen of a flat raise of four cents an hour, over what each man has received heretofore. Details peculiar to each road will be settled at a later date.

The Santa Fe has but two classes of switchmen on the system, while some of the roads have as high as half a dozen classes of yards. Practically all yards on the system of any size are on the same scale as at Chicago, and few yards may be made first instead of second-class yards.

The grievance committee of the Brotherhood of Locomotive Firemen for the lines of the Santa Fe under General Manager Hurley's jurisdiction began their annual meeting in Topeka today. It is not yet known what will be done at this meeting, but the present indications are that the principal grievance of the firemen will be a request for higher wages and the question of how much will be asked.

It is quite generally talked that the firemen are asking for a 10 per cent over their present wages in conformity with the raises that have been announced on the principal eastward lines.

The meeting of the firemen's grievance committee will last probably two or three days, after which time the committee will meet with the railroad officials and present their requests.

CALLS ON UNCLE SAM.

A Labor Leader Is in Trouble in Hamilton, Ontario.

Chicago, Nov. 26.—The United States government has been asked to furnish protection for a labor leader engaged in conducting a strike in another country.

The appeal came yesterday from Frederick Day, who is leader in the street car strike in Hamilton, Ont. After the serious riots last Saturday night in Hamilton, which many persons were injured the Canadian government authorities ordered Day to leave the country at once. Day declined to go and he is now in Chicago, where he is making a telegram to Chicago asking for aid.

The message was received by President W. D. Mahon, head of the street car men's union in this country, who immediately sent the following reply:

"Demand protection of United States consul at Hamilton and stay where you are."

Mr. Mahon said last night efforts would be made today to have the matter taken up at Washington, and an international question made of the situation which is without parallel so far as is known.

CARUSO WILL SING.

Troubles With Police Will Not Prevent His Appearance.

New York, Nov. 26.—Judge O'Sullivan, in the court of general sessions today, signed an order granting a right to appeal from the decision of a police magistrate in the case of Enrico Caruso, the Italian opera singer, who was found guilty in the municipal court of annoying women in the monkey house at Central park and fined \$10.

Caruso, who is now in New York, published today regarding the question of whether he will sing Wednesday night as planned, is quoted as saying:

"I have had no intention of avoiding my opening night, which I believe will show that my trial vindicates me. I am not a criminal, and the extraordinary verdict of the court."

Caruso's friends also said he would surely sing if his voice was in condition.

PROHIBITION IS FEARED

Appointment of Chairman of Liquor Committee at Guthrie Causes Alarm.

NEW FREIGHT LAW.

One May Be Enacted by Coming Legislature.

Talk Which Strikes Terror to Railroad Officials.

TAYLOR IS READY.

Will Resume Filing Cases Soon as New Board Is Installed.

Suit in Federal Court Has Made Little Progress.

There is some talk about the enactment of a maximum freight rate law for grain at the coming session of the legislature. Such a law, if introduced, would cause one of the big fights of the session, but if it could be enacted into law, and the result of that, it would be of vast importance to the shippers of the state than the 2-cent a mile proposition would be to the passenger traffic.

The maximum freight rate law is the terror of the railroad companies, and it would not be difficult to draft a law providing maximum rates on grain. The state board of railroad commissioners had a "grain rate" case up before it about a year ago, and the result of that case was an order of the board reducing grain rates 5 per cent. This was not nearly as much of a reduction as was asked for, and the grain men have not been satisfied with the result of the case.

There is already on the statute books a law which gives the state board of transportation of oil, and the railroads complied with that law without making a fight. It is not likely, however, that the companies would submit to a law on grain rates such as might be demanded by the legislature.

The introduction of such a law may depend on a good deal on the attitude of the legislature toward the railroad question. If the legislature indicates by its action that it controlled by the railroad interests, it could be of little use to introduce a maximum freight rate law.

Will Resume Filing Cases. Carr W. Taylor, attorney for the state board of railroad commissioners, announced today that he would resume filing of cases for freight rate reductions as soon as the new board of railroad commissioners takes office.

"I expect to file new cases covering a number of different freight rate reductions," said Mr. Taylor. "The cases which will be of course be the hard cases and the cases which will be of technical nature. The cases which will be brought in practically the same form as the new board of railroad commissioners, and will be pushed as rapidly as possible."

"Cases involving reductions on other lines of merchandise will also be started before the new board. It is not likely, however, that the cases will be commenced before the present board of railroad commissioners takes office."

"It is likely that the plan of compelling the railroads to establish freight depots and issue rate sheets to Kansas City will be taken up at the coming legislative session. At present, the railroads will all stock to Kansas City. Mr. Taylor, as a matter of fact it is a matter of fact that the railroads will be compelled to place the depot in the control of the Kansas board of railroad commissioners. I think that the best way to reach this result is simply by the enactment of a law compelling railroad companies to establish a freight depot in Kansas City, Kan. Of course, it is to be expected that the railroads will fight the law, and take it into the courts, but it won't take any longer to settle the validity of the law than it will to settle the validity of the board of railroad commissioners."

Federal Court Case Drags. As is usual with proceedings in the United States courts, the big suit involving the right of the state board of railroad commissioners to fix rates is moving slowly. There seems to be no way of hurrying the case, under the antiquated forms of procedure which prevail in the federal courts. The suit is one of the principal reasons why the railroads are so strongly in favor of getting all cases into the federal courts.

It is expected that a special master in the case will be appointed by Judge Pollock within a few days, and the state will make an effort to have the case decided as rapidly as possible.

There will doubtless be a large amount of testimony to be taken in the case, and the findings of the special master will go a long way toward settling the case. Judge Pollock has already decided that the only question at issue is whether or not the rates are reasonable, and even if the rates are reasonable, the state is entitled to a "trust" so far as rate making is concerned. The state contended that in going before a court of equity, the railroads must appear with clean hands.

Carr Taylor, attorney for the board, and A. E. Helm, of Wichita, who will represent the railroads in the case, are working hard in the preparation of their case, and expect to fight the case through to the last ditch. The chances are that the case will be decided in the federal court of the United States, whichever way it is decided. During the intervening time, the railroads will continue to get their rates fixed by the federal court, and it is adverse to the railroads, they will have accumulated a large amount of additional profits.

MORE TIME DENIED.

Justice Brewer Pressed on the Agnes Myers Case.

Washington, Nov. 26.—Justice Brewer, in the supreme court of the United States today refused to allow the attorneys for Mrs. Agnes Myers, under sentence of death for murder in Missouri, more time in which to file a complete record in the case. The time as originally fixed will expire on Wednesday next.

The best way to celebrate Thanksgiving is to take your family to the Cranberry restaurant for dinner. There you can have much or not so much as dictated by your pocket and appetite. The menu will be elaborate and complete, and the most widely varied tastes. Dinner will be served from 12 to 7:30 o'clock.

HE MAY HANG.

Murder Trial Before Federal Court in Topeka.

Robert Telles, a Negro Soldier, Is the Culprit.

KILLS TOPEKA WOMAN

Charged That Jealousy Was the Motive.

Judge Pollock Refuses to Have Liquor Injunctions Removed.

The one lone murder trial which will be tried before the November term of the United States circuit court in Topeka will commence Tuesday morning at 10 o'clock when Robert Telles, colored and formerly a member of the Ninth cavalry, will stand trial for the killing of Martha Arterbridge, colored, domestic in the employ of one of the principals in the tragedy are former residents of Topeka. The woman was the sweetheart of Telles and he induced her to go to Ft. Riley. It is said that after she arrived she was not as constant to Telles as she should have been and that as a consequence he became jealous.

On the evening of the 12th he met the woman in front of her quarters at the fort and riddled her with bullets. She died a few days later.

Jealousy is the motive set up by the government in the proceedings against Telles. An attempt will be made to show that Telles should be convicted of murder in the first degree, which would mean a sentence to hang under the federal law.

The defense claim that Telles shot only in self-defense and that the woman had threatened him and was seen to carry a gun on her person. Jealousy is alleged was also the mainpring of Martha Arterbridge's threats which Telles is trying to show on sight for fear that he would be early.

An attempt to secure a continuance of the case was made by the attorneys for Telles on the plea that two of their witnesses, who were not present, and that a continuance of the trial should be granted until the witnesses could be procured. The two witnesses Pollock ruled that they should proceed and that if the witnesses could be procured their testimony would be considered along with the remainder of the evidence brought out by the government.

Whether in the case of conviction Telles should be sentenced to the federal penitentiary or is to be hanged will depend upon the jurors who will serve. The attorneys for the defense are A. M. Cook, R. M. Gandy, J. J. Starnes, L. E. Davis, Glenn Rice, and J. P. Bradley of Kansas City.

The list from which the jury will be drawn follows: W. W. Dehler, J. E. Starnes, A. H. Hershfield, E. Dean, Robert Mitchell, E. J. Francis, D. Waters, Clarence H. White, A. L. Pawl, Fred Thies, A. D. Blanchard, George P. Johnson, Edward Keaton, J. Lyons, A. H. Griffin, J. J. Starnes, J. H. Victor, R. B. Willis, G. A. O'Neal, Albert Tucker, James L. Shadel, J. S. Cook, R. M. Gandy, J. J. Starnes, John Buchanan, Israel Morris, H. D. Walters, J. B. Perkins, Dana Needham, H. B. Braynard and Edward Lawan.

The first day of the November term of the court was taken up with the announcement of the docket and the real grind of justice will commence with Monday, the Telles case being the first up for trial.

In addition to this Judge Pollock overruled the plea of attorneys for Mary A. J. Devlin in which it was claimed that the federal circuit court had no jurisdiction over the person of Mrs. Devlin as to indicting, where suits must be brought by her through granting that the courts had jurisdiction in the matter of the property and that such property as was involved in the suit was subject to the United States court in this district. A citation was issued for the trial of Judge Adams of the circuit court of this circuit was the basis of the plea of the attorneys for Mrs. Devlin. Judge Pollock held however that there was sufficient evidence to support the point to warrant a declination to follow the decision ordered and ordered the Devlin attorneys twenty days in which to answer the citation. Judge Pollock ordered the attorneys to set aside the deeds in the Illinois properties and which was decided to the receivers by C. J. Devlin in behalf of his creditors a short while before his death. This will bring the fight as to the possession of the Illinois property into the United States court of this district.

Judge T. F. Garver, who was appointed assistant attorney general for Shawnee county to prosecute the violators of the prohibition law in Topeka, and this county drew first blood in the prosecution of cases against Lon Townsend, W. C. Stephenson and W. C. Stephenson and George Plachette counts with a view to secure a removal of the cases from the district court to the United States district court on the claim that the prohibition law was a violation of the Fourteenth amendment involving deprivation of civil rights. Lon Townsend and W. C. Stephenson are charged on separate counts with a violation of the prohibition law while Blackburn and Stephenson are jointly charged with contempt of court.

The cases will have to go back to the district court, Judge Pollock holding that the constitutional question was not involved.

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A SHOW OF NERVE.

An Alton Conductor, Ordered to Throw Up His Hands,

Fells Train Robber to Floor of Car and Ties Him.

THREE CARS ROBBED.

Bandit Had About \$2,000 in Money and Other Valuables.

The Lost Property Was Restored to the Victims.

Kansas City, Mo., Nov. 26.—One of the most unique and daring train robberies in the history of the southwest was committed 100 miles east of Kansas City early today. Between Slater and Armstrong, Mo., a distance of 21 miles, a masked man, single handed, robbed twenty passengers in three cars of the fast eastbound combination Chicago & Alton-Chicago, Burlington & Quincy passenger train. After half an hour's work he secured approximately two thousand dollars, besides several watches and other pieces of jewelry. The man finally was overpowered by E. E. Heywood, the train conductor, who knocked a raised revolver from the robber's hand, and forced him to the car floor. The robber was bound, made to disgorge, and four hours after the robbery was committed was placed in jail.

The robber, who said his name was Truehart, and that he came from California, was recognized by his chief nearest the same man who on November 7, last, in an exactly similar manner and at the same place on the road west of Topeka, had robbed a train bound Chicago, Rock Island & Pacific overland limited, which on this division runs over the Alton tracks. "Truehart" refused to give his full name or to tell what town he came from, said that it was his brother who held up the Rock Island train.

The train robbed was No. 25, which left Kansas City at 9 o'clock Sunday night. From Kansas City to Mexico, Mo., the train is run over the Alton tracks. At Mexico City, the train is run over the Rock Island tracks. The robbery was committed while the train was en route from Slater to Chicago and the Burlington portion going to St. Louis.

The train reached Slater at midnight when it started out of that place five minutes later. Truehart boarded the smoking car. His eyes were covered by a mask. Leveling a revolver at two passengers in the seat nearest the door, he ordered them to pass over their money and valuables and to do it quickly. The men complied and the conductor gave him the command to give his command in a loud voice to the man in the next seat forward, the car full of passengers was thoroughly aroused and ready to comply. When the robber had systematically relieved the passengers in the smoker of their belongings, he backed to the door, keeping his eyes covered. It was a matter of seconds before he was in the hands of the conductor, who was in the next seat forward, the car full of passengers was thoroughly aroused and ready to comply. When the robber had systematically relieved the passengers in the smoker of their belongings, he backed to the door, keeping his eyes covered. 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